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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,626	01/27/2004	Daniel L. Riffe	2022	3762
1748	7590 02/06/2006		EXAMINER	
FRANK L. ZUGELTER			FENSTERMACHER, DAVID MORGAN	
10109 Toluca Lake Avenue NORTH HOLLYWOOD, CA 91602			ART UNIT	PAPER NUMBER
			3682	

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	10/766,626	RIFFE, DANIEL L.				
Office Action Summary	Examiner	Art Unit				
	David M. Fenstermacher	3682				
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPL' WHICHEVER IS LONGER, FROM THE MAILING D. Extensions of time may be available under the provisions of 37 CFR 1.1: after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period of Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim will apply and will expire SIX (6) MONTHS from accuse the application to become ABANDONE	I. lety filed the mailing date of this communication. O (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on <u>09 D</u>	<u>ecember 2005</u> .					
2a) ☐ This action is FINAL . 2b) ☑ This	☐ This action is FINAL. 2b) ☑ This action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims	•					
4)⊠ Claim(s) <u>1-16</u> is/are pending in the application.						
4a) Of the above claim(s) <u>4-6</u> is/are withdrawn from consideration.						
5)⊠ Claim(s) <u>1-3,7-12 and 16</u> is/are allowed.						
6)⊠ Claim(s) <u>13-15</u> is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/o	r election requirement.					
Application Papers						
9) The specification is objected to by the Examine	r.					
10)⊠ The drawing(s) filed on <u>27 January 2004</u> is/are: a)⊠ accepted or b)⊡ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) ☐ The oath or declaration is objected to by the Ex	caminer. Note the attached Office	Action or form PTO-152.				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority document: 2. Certified copies of the priority document: 3. Copies of the certified copies of the priority document: application from the International Bureau * See the attached detailed Office action for a list	s have been received. s have been received in Applicati rity documents have been receive u (PCT Rule 17.2(a)).	on No ed in this National Stage				
Attachment(s) 1) ☑ Notice of References Cited (PTO-892)	4) Interview Summary					
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 	Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	ite atent Application (PTO-152)				

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DETAILED ACTION

Election/Restrictions

1. Claims 4-6 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on 12/9/05.

Drawings

2. The drawings, as originally filed, are acceptable as formal.

Claim Rejections - 35 USC § 112

- 3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 4. Claims 13-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13, line 4, the use of "its" renders the claim indefinite since it is not clear what this is referring to.

Claim 14, lines 2-3, the recitation "said bearing from its latched seat on said platform in its operation" is indefinite. This use of "its" is indefinite since it is not clear what this is referring to; and it is not clear what this recitation is requiring.

Claim Rejections - 35 USC § 102

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5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 6. Claims 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Roth et al. (5,358,266).

Roth et al. shows the claimed invention including a lever (47) which is operable from an engaged state to a disengaged state; the lever being mounted on a bearing (48 rotatably supports the lever, and is therefore a bearing surface); the lever is supported on a frame (14) which includes a platform (41 is planar and therefore a platform); the lever is actuated by either hand or a solenoid (68); the solenoid being attached to the lever via a link (49).

Allowable Subject Matter

7. Claims 1-3, 7-12 and 16 are allowed.

Conclusion

8. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 (Date) Typed or printed name of person signing this certificate: Signature: Registration Number: ____ **Certificate of Transmission** I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. () - on _____. (Date) Typed or printed name of person signing this certificate: Registration Number: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David M. Fenstermacher whose telephone number is 571-272-7102. The examiner can normally be reached on 10:30-7:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David M. Fenstermacher

Primary Examiner

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